

CASE NUMBER: 034252/2022

## EXHIBIT(S) - A (Motion #003) - Year 1 Notice of Award

Document prepared for:  
kevin barlow

### CASE NAME

Rosemarie Mckinnis Est Of, Kathleen Mckinniss, Carin  
Rosado, James Finn Est Of, Geraldine Finn Exr v. Ecohealth  
Alliance Inc, Peter Daszak, Janet D Cottingham Aka, Janet  
Dasz...

### CASE FILING DATE

Oct. 5th, 2022

### DOCUMENT FILED DATE

Feb. 21st, 2023

### COUNTY

Rockland county, NY

### JUDGE

Sherri L Eisenpress

### CATEGORY

Torts - Environmental (SARS-COV-2)

### STATUS

Active

# Exhibit A



RESEARCH

Department of Health and Human Services

National Institutes of Health

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

Issue Date: 05/27/2014

**Grant Number:** 1R01AI110964-01**FAIN:** R01AI110964**Principal Investigator(s):**

PETER DASZAK, PHD

**Project Title:** Understanding the Risk of Bat Coronavirus Emergence

Aleksei  
President  
460 West 34th Street  
17th Floor  
New York, NY 100012317

**Award e-mailed to:** chmura@ecohealthalliance.org**Budget Period:** 06/01/2014 – 05/31/2015**Project Period:** 06/01/2014 – 05/31/2019

Dear Business Official:

The National Institutes of Health hereby awards a grant in the amount of \$666,442 (see "Award Calculation" in Section I and "Terms and Conditions" in Section III) to ECOHEALTH ALLIANCE, INC. in support of the above referenced project. This award is pursuant to the authority of 42 USC 241 42 CFR 52 and is subject to the requirements of this statute and regulation and of other referenced, incorporated or attached terms and conditions.

Acceptance of this award including the "Terms and Conditions" is acknowledged by the grantee when funds are drawn down or otherwise obtained from the grant payment system.

Each publication, press release, or other document about research supported by an NIH award must include an acknowledgment of NIH award support and a disclaimer such as "Research reported in this publication was supported by the National Institute Of Allergy And Infectious Diseases of the National Institutes of Health under Award Number R01AI110964. The content is solely the responsibility of the authors and does not necessarily represent the official views of the National Institutes of Health." Prior to issuing a press release concerning the outcome of this research, please notify the NIH awarding IC in advance to allow for coordination.

Award recipients must promote objectivity in research by establishing standards that provide a reasonable expectation that the design, conduct and reporting of research funded under NIH awards will be free from bias resulting from an Investigator's Financial Conflict of Interest (FCOI), in accordance with the 2011 revised regulation at 42 CFR Part 50 Subpart F. The Institution shall submit all FCOI reports to the NIH through the eRA Commons FCOI Module. The regulation does not apply to Phase I Small Business Innovative Research (SBIR) and Small Business Technology Transfer (STTR) awards. Consult the NIH website <http://grants.nih.gov/grants/policy/foi/> for a link to the regulation and additional important information.

If you have any questions about this award, please contact the individual(s) referenced in Section IV.

Sincerely yours,

Additional information follows

**Award Calculation (U.S. Dollars)**

Salaries and Wages	\$167,708
Fringe Benefits	\$54,168
Supplies	\$21,400
Travel Costs	\$35,918
Other Costs	\$10,000
Consortium/Contractual Cost	\$227,663

Federal Direct Costs	\$516,857
Federal F&A Costs	\$149,585
Approved Budget	\$666,442
Federal Share	\$666,442
<b>TOTAL FEDERAL AWARD AMOUNT</b>	<b>\$666,442</b>

**AMOUNT OF THIS ACTION (FEDERAL SHARE)** **\$666,442**

SUMMARY TOTALS FOR ALL YEARS		
YR	THIS AWARD	CUMULATIVE TOTALS
1	\$666,442	\$666,442
2	\$630,445	\$630,445
3	\$611,090	\$611,090
4	\$597,112	\$597,112
5	\$581,646	\$581,646

Recommended future year total cost support, subject to the availability of funds and satisfactory progress of the project

**Fiscal Information:**

CFDA Number: 93.855  
 EIN: 1311726494A1  
 Document Number: RAI110964A

PMS Account Type: P (Subaccount)  
 Fiscal Year: 2014

IC	CAN	2014	2015	2016	2017	2018
AI	8472350	\$666,442	\$630,445	\$611,090	\$597,112	\$581,646

Recommended future year total cost support, subject to the availability of funds and satisfactory progress of the project

**NIH Administrative Data:**

PCC: M51C / OC: 414A / Released: AMIDONL 05/20/2014

Award Processed: 05/08/2014 01:52:21 PM

**SECTION II – PAYMENT/HOTLINE INFORMATION – 1R01AI110964-01**

For payment and HHS Office of Inspector General Hotline information, see the NIH Home Page at <http://grants.nih.gov/grants/policy/awardconditions.htm>

**SECTION III – TERMS AND CONDITIONS – 1R01AI110964-01**

This award is based on the application submitted to, and as approved by, NIH on the above-titled project and is subject to the terms and conditions incorporated either directly or by reference in the following:

- a. The grant program legislation and program regulation cited in this Notice of Award.

- b. Conditions on activities and expenditure of funds in other statutory requirements, such as those included in appropriations acts.
- c. 45 CFR Part 74 or 45 CFR Part 92 as applicable.
- d. The NIH Grants Policy Statement, including addenda in effect as of the beginning date of the budget period.
- e. This award notice, INCLUDING THE TERMS AND CONDITIONS CITED BELOW.

(See NIH Home Page at <http://grants.nih.gov/grants/policy/awardconditions.htm> for certain references cited above.)

An unobligated balance may be carried over into the next budget period without Grants Management Officer prior approval.

This grant is subject to Streamlined Noncompeting Award Procedures (SNAP).

This award is subject to the requirements of 2 CFR Part 25 for institutions to receive a Dun & Bradstreet Universal Numbering System (DUNS) number and maintain an active registration in the Central Contractor Registration. Should a consortium/subaward be issued under this award, a DUNS requirement must be included. See <http://grants.nih.gov/grants/policy/awardconditions.htm> for the full NIH award term implementing this requirement and other additional information.

This award has been assigned the Federal Award Identification Number (FAIN) R01AI110964. Recipients must document the assigned FAIN on each consortium/subaward issued under this award.

Based on the project period start date of this project, this award is likely subject to the Transparency Act subaward and executive compensation reporting requirement of 2 CFR Part 170. There are conditions that may exclude this award; see <http://grants.nih.gov/grants/policy/awardconditions.htm> for additional award applicability information.

In accordance with P.L. 110-161, compliance with the NIH Public Access Policy is now mandatory. For more information, see NOT-OD-08-033 and the Public Access website: <http://publicaccess.nih.gov/>.

**Treatment of Program Income:**  
Additional Costs

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**SECTION IV – AI Special Terms and Conditions – 1R01AI110964-01**

THIS AWARD CONTAINS GRANT SPECIFIC RESTRICTIONS. THESE RESTRICTIONS MAY ONLY BE LIFTED BY A REVISED NOTICE OF AWARD.

RESTRICTION: This award is issued with the knowledge that subjects may be involved within the period of support, but definite plans were not set forth in the application as per 45 CFR 46.118. No human subjects may be involved in any project supported by this award until all requirements for Human Subjects research as identified in the PHS398/SF424 Instructions have been provided to and approved by NIH.

RESTRICTION: The present award is being made without a currently valid certification of IRB approval for this project with the following restriction: Only activities that are clearly severable and independent from activities that involve human subjects may be conducted pending the NIAID's acceptance of the certification of IRB review and approval.

No funds may be drawn down from the payment system and no obligations may be made against Federal funds for any research involving human subjects prior to the NIAID's notification to the grantee that the identified issues have been resolved and this restriction removed.

This award includes funds for subcontract/consortium activity with Wuhan Institute of Virology, CHINA and is budgeted as follows:

	-Yr 1	-Yr 2	-Yr 3	-Yr 4	-Yr 5
Total Direct Costs	\$123,699	\$128,718	\$147,335	\$147,335	\$147,335
F&A Costs @ 8%(MTDC)	\$9,896	\$10,297	\$11,787	\$11,787	\$11,787
TOTAL COSTS	\$133,595	\$139,015	\$159,122	\$159,122	\$159,122

Consortiums are to be established and administered as described in the NIH Grants Policy Statement. This written agreement with the consortium must address the negotiated arrangements for meeting the scientific, administrative, financial, and reporting requirements for this grant.

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This award includes funds for subcontract/consortium activity with East China Normal University, CHINA and is budgeted as follows:

|                      | -Yr 1    | -Yr 2    | -Yr 3    | -Yr 4    | -Yr 5    |
|----------------------|----------|----------|----------|----------|----------|
| Total Direct Costs   | \$87,100 | \$67,300 | \$50,108 | \$39,167 | \$14,850 |
| F&A Costs @ 8%(MTDC) | \$6,968  | \$5,384  | \$4,009  | \$3,133  | \$2,404  |
| TOTAL COSTS          | \$94,068 | \$72,684 | \$54,117 | \$42,300 | \$32,454 |

Consortiums are to be established and administered as described in the NIH Grants Policy Statement. This written agreement with the consortium must address the negotiated arrangements for meeting the scientific, administrative, financial, and reporting requirements for this grant.

#### ~~~~~ Select Agents:

Awardee of a project that at any time involves a restricted experiment with a select agent, is responsible for notifying and receiving prior approval from the NIAID. Please be advised that changes in the use of a Select Agent will be considered a change in scope and require NIH awarding office prior approval. The approval is necessary for new select agent experiments as well as changes in on-going experiments that would require change in the biosafety plan and/or biosafety containment level. An approval to conduct a restricted experiment granted to an individual cannot be assumed an approval to other individuals who conduct the same restricted experiment as defined in the Select Agents Regulation 42 CFR Part 73, Section 13.b (<http://www.selectagents.gov/Regulations.html>).

#### Highly Pathogenic Agent:

NIAID defines a Highly Pathogenic Agent as an infectious Agent or Toxin that may warrant a biocontainment safety level of BSL3 or higher according to the current edition of the CDC/NIH Biosafety in Microbiological and Biomedical Laboratories (BMBL) (<http://www.cdc.gov/OD/ohs/biosfty/bmbl5/bmbl5toc.htm>). Research funded under this grant must adhere to the BMBL, including using the BMBL-recommended biocontainment level at a minimum. If your Institutional Biosafety Committee (or equivalent body) or designated institutional biosafety official recommend a higher biocontainment level, the highest recommended containment level must be used.

When submitting future Progress Reports indicate at the beginning of the report:

If no research with a Highly Pathogenic Agent or Select Agent has been performed or is planned to be performed under this grant.

If your IBC or equivalent body or official has determined, for example, by conducting a risk assessment, that the work being planned or performed under this grant may be conducted at a biocontainment safety level that is lower than BSL3.

If the work involves Select Agents and/or Highly Pathogenic Agents, also address the following points:

Any changes in the use of the Agent(s) or Toxin(s) including its restricted experiments that have resulted in a change in the required biocontainment level, and any resultant change in location, if applicable, as determined by your IBC or equivalent body or official.

If work with a new or additional Agent(s)/Toxin(s) is proposed in the upcoming project period, provide:

- o A list of the new and/or additional Agent(s) that will be studied;
- o A description of the work that will be done with the Agent(s), and whether or not the work is a restricted experiment;
- o The title and location for each biocontainment resource/facility, including the name of the organization that operates the facility, and the biocontainment level at which the work will be conducted, with documentation of approval by your IBC or equivalent body or official. It is important to note if the work is being done in a new location.

## STAFF CONTACTS

The Grants Management Specialist is responsible for the negotiation, award and administration of this project and for interpretation of Grants Administration policies and provisions. The Program Official is responsible for the scientific, programmatic and technical aspects of this project. These individuals work together in overall project administration. Prior approval requests (signed by an Authorized Organizational Representative) should be submitted in writing to the Grants Management Specialist. Requests may be made via e-mail.

**Grants Management Specialist:** Laura A. Pone

**Email:** amidonl@niaid.nih.gov **Phone:** 301-451-2687 **Fax:** 301-493-0597

**Program Official:** Erik J. Stemmy

**Email:** erik.stemmy@nih.gov **Phone:** (301)-402-3947

## SPREADSHEET SUMMARY

**GRANT NUMBER:** 1R01AI110964-01

**INSTITUTION:** ECOHEALTH ALLIANCE, INC.

| Budget                      | Year 1    | Year 2    | Year 3    | Year 4    | Year 5    |
|-----------------------------|-----------|-----------|-----------|-----------|-----------|
| Salaries and Wages          | \$167,708 | \$167,708 | \$167,708 | \$167,708 | \$167,708 |
| Fringe Benefits             | \$54,168  | \$54,168  | \$54,168  | \$54,168  | \$54,168  |
| Supplies                    | \$21,400  | \$19,250  | \$7,250   | \$7,000   | \$3,500   |
| Travel Costs                | \$35,918  | \$35,918  | \$35,918  | \$35,918  | \$35,918  |
| Other Costs                 | \$10,000  | \$13,550  | \$11,050  | \$9,800   | \$9,400   |
| Consortium/Contractual Cost | \$227,663 | \$211,699 | \$213,239 | \$201,422 | \$191,576 |
| TOTAL FEDERAL DC            | \$516,857 | \$502,293 | \$489,333 | \$476,016 | \$462,270 |
| TOTAL FEDERAL F&A           | \$149,585 | \$128,152 | \$121,757 | \$121,096 | \$119,376 |
| TOTAL COST                  | \$666,442 | \$630,445 | \$611,090 | \$597,112 | \$581,646 |

| Facilities and Administrative Costs | Year 1    | Year 2    | Year 3    | Year 4    | Year 5    |
|-------------------------------------|-----------|-----------|-----------|-----------|-----------|
| F&A Cost Rate 1                     | 44.1%     | 44.1%     | 44.1%     | 44.1%     | 44.1%     |
| F&A Cost Base 1                     | \$339,194 | \$290,594 | \$276,094 | \$274,594 | \$270,694 |
| F&A Costs 1                         | \$149,585 | \$128,152 | \$121,757 | \$121,096 | \$119,376 |